



What's an Environmental Compliance Fact Sheet?

The Simplifying Compliance Fact Sheet is published by the Kentucky Division of Compliance Assistance. Its purpose is to proactively raise awareness about emerging environmental compliance issues. The fact sheet intends to provide answers to common questions, improve compliance and encourage targeted entities to evaluate their environmental practices and facilitate the identification and correction of compliance problems.

Who should read this fact sheet?

- ⇒ **Community Leaders**
- ⇒ **Private Entities**
- ⇒ **Citizens**
- ⇒ **Contractors**

Emergency Stream Bank Stabilization and Restoration



The Kentucky Division of Compliance Assistance (DCA) is issuing this fact sheet to inform community leaders and citizens of potential environmental responsibilities relating to stream work following a severe weather event. This fact sheet is focused on compliance with floodplain requirements, water-quality certifications (WQC) and U.S Army Corps of Engineer (USACE) permits.

Should I contact DOW before beginning stream/wetland work?

Yes. The Kentucky Division of Water (DOW) and U.S. Army Corps of Engineers operate programs that should be contacted before beginning any stream work. These programs are as follows. Please call the Water Quality Certification Section at 502-564-3410 before any work begins and notify your DOW Regional Office at www.water.ky.gov.

- ♦ The **DOW Floodplain Construction Program** approves or denies construction activities in the 100-year floodplain of all streams in the Commonwealth.
- ♦ The **DOW Water Quality Certification/ 401 Program** ensures that activities involving the discharge of dredge or fill material into the waters of the Commonwealth and requiring a federal permit are consistent with Kentucky water-quality standards.
- ♦ The **USACE/404 Program** regulates the discharge of dredge or fill material into the waters of the United States.

It's my property! Do I really need a permit or certification?

Maybe. The following activities often require approval from DOW:

Typical activities permitted by DOW concern dams, bridges, culverts, residential and commercial buildings, placement of fill, stream alterations or relocations, small impoundments and water and wastewater treatment plants.

Examples of activities that may require a USACE/Section 404 permit and DOW water-quality certification/Section 401 are stream relocations, road crossings, stream bank protection, construction of boat ramps, placing fill, grading, dredging, ditching, mechanically clearing a wetland, building in a wetland, constructing a dam or dike and stream diversions.

Some activities are exempt from the water-quality certification process. If you adhere to the guidelines outlined by the DOW for the removal of stream flow obstructions, you are exempt from WQC. These guidelines can be found by contacting the Division of Water, Water Quality Certification program at <http://www.water.ky.gov/permitting/wqcert/Contact+Us.htm>.

simplifying Compliance



Important Contacts

KY Division of Water Water Quality Certification

200 Fair Oaks Lane
4th Floor
Frankfort, KY 40601
502-564-3410

[http://www.water.ky.gov/
permitting/wqcert](http://www.water.ky.gov/permitting/wqcert)

U.S Army Corps of Engineers

<http://www.usace.army.mil>

Louisville office
502-315-6733

Huntington Office
304-399-5210

Nashville Office
615-369-7500

Association of State Floodplain Managers

<http://www.floods.org/>

Kentucky Floodplain Coordinators

[http://www.water.ky.gov/
NR/rdonlyres/66A3A006-
5394-4EB2-B810-
DF0C1E6881B3/0/
WRFlood-
plain_Coordinators.pdf](http://www.water.ky.gov/NR/rdonlyres/66A3A006-5394-4EB2-B810-DF0C1E6881B3/0/WRFlood-plain_Coordinators.pdf)

Action Steps for Stream Work in the Commonwealth

What forms do I need to fill out?

Should you discover that you need DOW and or USACE approval for your project, you may need to submit the following:

- **Combined application for a permit to construct across or along a stream and/or water-quality certification** http://www.water.ky.gov/NR/rdonlyres/431DB9FD-7662-47EC-A575-A73D91E3822A/0/StreamConstruction_Application_9_30_09.pdf

- ♦ **Application for a Department of the Army Permit, Engineer Form 4345**

Before submitting an application, contact DOW and review the “Emergency Stream Bank Restoration and Stabilization Fact Sheet” prepared by the WQC Section of DOW.



Is there financial assistance available?

Yes. For assistance for flood cleanup or removal projects affecting public or private land-owners, the Natural Resource Conservation Service (NRCS) of the U.S. Department of Agriculture (USDA) has a multitude of established assistance programs to aid in the funding of cleanup and repair projects. The Emergency Watershed Protection (EWP) Program is a 75/25 cost-share program established to financially assist in the cleanup of the recent flooding events. For additional information, see

<http://www.ky.nrcs.usda.gov/programs/2010EWP/index.html>.



Can you afford not to call DOW before beginning any stream work?

No. If it is discovered that you have altered a stream or wetland without federal or state approval, you are subject to both **financial penalties** and your activities may have **long-term adverse effects** on your neighbors and the environment.

Environmental penalties can result in fines of \$25,000 per day, per violation.

Working in streams and wetlands requires planning and proper use of equipment. Oftentimes, short-term fixes can result in more significant damage during the next severe storm event. DOW can provide technical assistance regarding stream behaviors and information about how modifications can worsen or improve problem areas.



Division of Compliance Assistance

Phone: 800-926-8111

E-mail: envhelp@ky.gov

Web site: www.dca.ky.gov